

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES,

Plaintiff,

v.

Case No. 06-cr-20676  
District Judge Paul D. Borman

HENRY RICHARDSON,

Defendant.

/

**ORDER GRANTING GOVERNMENT'S MOTION TO DISMISS (ECF NO. 214,12-16-2020) DEFENDANT HENRY RICHARDSON'S *PRO SE* MOTION FOR SENTENCE REDUCTION UNDER 18 U.S.C. § 3582(c)(1)(A) (ECF NO. 213, 11-10-2020), BECAUSE OF HIS PENDING SENTENCING APPEAL AT THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

Defendant Richardson, proceeding *pro se*, has filed a Motion with this Court for reduction of sentence under 18 U.S.C. § 3582(c)(1)(A) (Compassionate Release).

The Government responded by filing a Motion to Dismiss because "his appeal of this Court's recent Order reducing his sentence pursuant to Section 404 of the First Step Act remains pending in the United State Court of Appeals for the Sixth Circuit," adding:

This Court lacks jurisdiction over the compassionate release motion because defendant's other motion seeking a reduction in sentence is currently pending appeal.

Richardson has appealed this Court's sentence reduction on July 15, 2020 to the Sixth Circuit. That appeal remains pending.

The Government asserts that the filing of a notice of appeal "confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *United States v. Carman*, 933 F.3d 614, 617 (6<sup>th</sup> Cir. 2019). The Court agrees.

Accordingly, the Court GRANTS the Government's Motion to Dismiss, without prejudice, Defendant's *pro se* Motion for Sentencing Reduction, because he presently has a sentencing appeal before the Sixth Circuit.

SO ORDERED.

DATED: January 11, 2021

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE